

Appl. No. 09/964,927
Attorney Docket No. 027-040001US
Comment on Statement of Allowance dated 3 February 2005

Express Mail No. ER 566 010 735 US

03-01-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/964,927 Confirmation No. : 2183
Applicants : MCCARTHY, Wil Art Unit : 2874
SNYDER, Gary E.
Filed : 26 SEPTEMBER 2001 Examiner : Daniel J. Petkovsek
Title : Fiber incorporating quantum dots as programmable dopants
Docket No. : 027-040001US
Customer No. : 33486

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

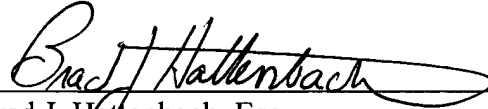
Sir:

This letter is submitted pursuant to M.P.E.P. § 1302.14 in response to the Notice of Allowability dated 28 January 2005 and mailed on 3 February 2005 and, in particular, to the comments of the examiner under the heading "Detailed Action." Under this heading, but before the examiner makes a statement of his reasons for allowance under the subheading "Allowable Subject Matter," the examiner states that "the claims are properly classified in class 385 (optical waveguides), as all claims have the limiting language of "fiber shape."

To the extent that this statement might be construed as a limitation on the allowed claims, Applicants disagree with and oppose such a construction. The claims do contain the limitation of "fiber shape," but the term "fiber" is never limited to an optical waveguide. While optical control of quantum dots to create and manipulate artificial atoms is contemplated in this application, the claimed fiber-shaped material is not described in the specification as an optical waveguide and in most embodiments is likely not an optical waveguide. It is apparent that Applicants lack control over the classification assigned by the U.S. Patent and Trademark Office (USPTO). However, it is Applicants' understanding that both the classification assigned by the

USPTO and the examiner's statement of a reason for allowance have no bearing on the scope or interpretation of the allowed claims.

Respectfully submitted this 28th day of February 2005.



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Docketing



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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/964,927

Filing Date 26 September 2001

First Named Inventor Wil McCarthy

Art Unit 2874

Examiner Name D.J. Petkovsek

Attorney Docket Number 027-040001US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input checked="" type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Certificate of Express Mailing; and
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Heimbecher & Assoc., LLC		
Signature			
Printed name	Brad J. Hattenbach		
Date	28 February 2005	Reg. No.	42,642

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name		Date	

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CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The undersigned hereby certifies that the attached:

1. Transmittal Form (1 page);
2. Comments on Statement of Reasons for Allowance (2 pages);
3. Certificate of Mailing by express mail (1 page); and
4. Return postcard,

all relating to the above application were deposited as "Express Mail", using the mailing label number noted in the header above, with the United States Postal Service, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 28 February 2005.

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